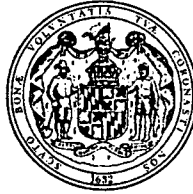


SM 806-06 Jenkins, Larry
Bldg. Permit

MSA. S. 1829-6040

MO- 1/22/07 - Response faxed, mailed



**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 22, 2007

Ms. Yvonne Chaillet
St. Mary's County Government
Department of Land Use and Growth Management
P.O. Box 653
Leonardtown, Maryland 20650

**RE: SM 806-06 Larry Jenkins Structure in the Buffer
St. Mary's County Project 05-3465**

Dear Ms. Chaillet:

Thank you for providing information regarding the unauthorized construction of a free-standing deck, steps, and walkways within the 100-foot Buffer on property owned by Larry Jenkins. I have reviewed the letters and e-mail correspondence you provided and the photographs of the property from both the Spring and Fall of 2003.

This office supports the position of the Department of Land Use and Growth Management that the free-standing deck and other improvements is a violation of both Section 22.1.3 of the Comprehensive Zoning Ordinance which requires the issuance of an environmental permit and Section 71.8.3 which requires a variance for new development activities within the 100-foot Buffer. It is my understanding that Mr. Jenkins has purported that the structure is a duck blind. After reviewing the photographs of the structure and its location above mean high water and within the 100-foot Buffer, clearly this is not the case.

As you know in 2002 and 2004, the General Assembly re-enacted its findings regarding the importance of maintaining the water quality of the Chesapeake Bay and its contributing tidal watersheds. The General Assembly also reiterated the importance of the minimum 100-foot Buffer to promote the water quality and habitat goals of the legislation. Construction of unauthorized structures within the Buffer, without an environmental review and the granting of a variance, contribute to the continued decline of the Bays' water resources by substantially increasing the amount of disturbance and impervious surface are in the Buffer. These impacts contribute to declines in water quality and to riparian and shoreline habitats that must be reversed in order to successfully restore and protect the Bay.

The applicant bears the burden to apply for any required permits or variances when development activities are proposed within the Critical Area. The proper implementation of the St. Mary's County Critical Area Program requires a respect for the law. It is unacceptable for an applicant to proceed with unauthorized development activities of this nature and to attempt to circumvent the appropriate permit

Ms. Chaillet

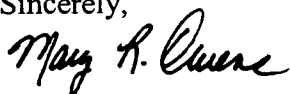
January 22, 2007

Page 2

process by claiming ignorance of the regulations, defining the development activity as something other than what it is, or by proceeding with the development activity in hopes that "forgiveness" is more easily obtained than "permission." Actions such as this can manipulate the County and potentially the Board of Appeals into accommodating an applicant's development proposal without permitting the County staff or the Board the opportunity to analyze the proposal and determine the best ways to avoid adversely affecting water quality and fish, wildlife, or plant habitats within the County's Critical Area.

Thank you for requesting comments on the applicant's project and his appeal of the Planning Director's decision. Please provide a copy of the Board of Appeals' decision regarding this project. If you have any questions, please call me at (410) 260-3480.

Sincerely,



Mary R. Owens, Chief
Program Implementation Division

cc: Marianne Mason

IN THE CIRCUIT COURT FOR ST. MARY'S COUNTY, MARYLAND

PETITION OF:
B.LARRY AND CATHERINE JENKINS
23098 GRAMPTON ROAD
CLEMENTS, MARYLAND 20624

FOR JUDICIAL REVIEW OF
THE DECISION
OF THE
ST. MARY'S COUNTY BOARD OF APPEALS
23150 LEONARD HALL DRIVE
LEONARDTOWN, MARYLAND 20650

IN THE CASE OF ZAPP #05-3465

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

COPY

CIVIL CASE NO. C07-386

07 MAR 27 PM 12:01

ST. MARY'S COUNTY, MD
FILED

PETITION FOR JUDICIAL REVIEW
AND APPEAL FROM ADMINISTRATIVE AGENCY DECISION

In accordance with Maryland Rule 7-202 and all other rules applicable, B. Larry and Catherine Jenkins, by and through their attorney, Alfred A. Lacer, respectfully request judicial review and appeal from the decision of the St. Mary's County Board of Appeals in the matter ZAPP # 05- 3465, a copy of which is attached. B. Larry and Catherine Jenkins were parties to the agency proceedings.

Alfred A. Lacer, P.A.
Attorney at Law
41900 Fenwick Street
Post Office Box 1837
Leonardtown, MD 20650

301-475-9600
301-475-0470 (fax)

www.alfredalacer.com



Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Alfred A. Lacer", written over a horizontal line.

Alfred A. Lacer
41900 Fenwick Street
Leonardtown, Maryland 20650
(301) 475-9600
Attorney for Petitioners

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the Appeal of the Planning Director's decision pursuant to Chapter 23 of the Comprehensive Zoning Ordinance denying the existence of a nonconforming use and structure and requiring after the fact variance approval for new impervious surface in the Critical Area Buffer

Case No. ZAAP #05-3465

B. Larry and Catherine Jenkins, Appellees

DECISION AND ORDER**I. Introduction**

Appellees, B. Larry Jenkins and Catherine Jenkins, are the owners of property located at 23098 Grampton Road, Clements, Maryland which is located on St. Clements Bay. In September of 2005 the Appellees applied for a building permit to construct a pier and stone revetment. During the environmental review for this project, what staff perceived to be a newly constructed deck, steps and walkway were located on the property in the Critical Area Buffer. No permit had been sought for these structures. Appellees allege that this new structure is a duck blind built to replace a blind which had existed on the property for many years. On August 2nd, 2006 the St. Mary's County Department of Land Use and Growth Management (hereinafter the "Department") notified the Appellees in writing that:

"the structure on your property appears to be a deck, which is not permitted in the Critical Area Buffer if you have room on your property to place it outside the Buffer. This structure together with the steps and gravel walkway must be removed, or you must seek a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance before the St. Mary's County Board of Appeals. Section 71.8.3 prohibits new impervious surface in the Critical Area Buffer without first obtaining a variance."

Additionally, the Department advised that:

"According to the letter you received from the Maryland Department of Natural Resources dated March 30, 2005, DNR does not license 'shore blinds' (e.g. blinds above high mean tide) or blinds located within a marsh you may own. Your 'duck blind' is above mean high tide and in the Critical Area Buffer. This Department has jurisdiction over the Critical Area Buffer within St. Mary's County and activities in the Buffer are regulated by the Comprehensive Zoning Ordinance."

No application for variance was filed. On September 18, 2006, the Appellees requested that the Planning Director make a status determination under the County Comprehensive Zoning Ordinance regarding the duck blind on Mr. Jenkins' property which Appellees allege to be a prior existing grandfathered use. The Department replied to this request, and advised the Appellees on August 19, 2006 that "although Mr. Jenkins may have had a duck blind on his property in the past, that duck blind no longer exists, and Mr. Jenkins now has a new structure in the Critical Area Buffer, which has not been approved." The Department further advised Mr. Jenkins that he was in violation of Sections 22.1 and 71.8.3 of the Zoning Ordinance, and advised that he had until the close of business on Friday, September 22, 2006 to submit his building permit application requesting a variance for the new impervious surface in the Critical Area Buffer and to submit his Board of Appeals application for a variance for the same. He was further advised that in the alternative he could remove all of the unauthorized impervious surface from the Buffer.

The Appellees filed a notice of Appeal with the Department on or about September 25, 2006, and requested that the Board of Appeals void, reverse, and rescind the actions and determinations of the Zoning Administrator and Planning Director and either determine the site use and structure to be grandfathered, or return this matter to the Planning Director to proceed in accordance with Chapter 52 and other applicable provisions of the Ordinance. The St. Mary's County Zoning Board of Appeals conducted a public hearing on the appeal of the administrative decision in this matter on January 25, 2007.

Legal Standard for Review

Section XV(C)(2) of the Rules of Procedure for the St. Mary's County Board of Zoning Appeals provides, in pertinent part, "...the burden of proof shall be on the Appellant to show that the action taken by the administrative agency was clearly erroneous, illegal, unconstitutional, or arbitrary and capricious." In order to reverse the decision of the Director of Public Works, the Board must find that the Director acted arbitrarily and capriciously and that a reasoning mind could not have reached the same conclusion. The burden of proof is on the Appellants to prove that this standard has been satisfied by competent evidence and testimony and supported by appropriate legal authority.

Although the reviewing body in the instant case is another administrative agency, case law regarding judicial review of administrative agency decisions lends guidance on the application of the standard cited above. In reviewing an administrative agency decision, appellate courts are "limited to determining if there is substantial evidence in the record as a whole to support the agency's finding and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 67-68, 729 A.2d 376, 380 (1999) (quoting *United Parcel Serv., Inc. v. People's Counsel for Baltimore County*, 336 Md. 569, 577, 650 A.2d 226, 230 (1994)).

Courts are reluctant to deem an administrative agency decision arbitrary and capricious unless the decision is contrary to law, exceeds the agency's authority or is unsupported by sufficient evidence. *Md. Aviation Admin. v. Noland*, 386 Md. 556, 873 A.2d 1145, 1156 (2005). It is improper for a reviewing court to consider an agency decision arbitrary and capricious unless that decision is extreme and egregious. *MTA v. King*, 369 Md. 264, 291, 799 A.2d 1246, 1255-56 (2002).

III. Findings of Fact

The Board of Appeals makes the following findings of fact:

1. The subject property (Property) is lot 3 of the Recompense Farm Subdivision located on St. Clements Bay. The Appellees obtained a building permit in October 2001 to construct a single-family dwelling and attached garage. The approved site plan that accompanied the building permit did not show a duck blind on the Property. The Environmental Planner at the time noted on the stamped and approved site plan that no disturbance was proposed or permitted in the Critical Area Buffer. In addition, the clearing of 10 trees was permitted for construction only.
2. In September 2005 the Appellees applied for a building permit to construct a pier and stone revetment. It was discovered during the environmental review of the proposed project that what appeared to be a deck, steps, and walkway had been constructed without a permit in the 100-Foot Critical Area Buffer (Buffer).
3. An aerial photo of the Property taken in March 2003, which was attached as an exhibit to the Staff report in this case, shows a single-family dwelling, detached garage, circular driveway, extended driveway, and a parking area. This photo does not show any structures in the Buffer.

An aerial photo of the Property taken in October 2003, which was attached as an exhibit to the Staff report in this case, shows a structure, walkway, and clearing in the Buffer.
4. The Appellee claims an historic use of the Property for a duck blind and claims that the new structure is a replacement of a duck blind that existed in the past.
5. There was testimony to support the Appellees' assertion that a duck blind had existed in the buffer for many years prior to 2001, and the Board finds based on the testimony presented by the Appellees that in 2001 this blind was removed to make way for a revetment project.
6. The Board finds that the current structure is a new structure and was built in 2003, and that it is located in the Critical Area Buffer. The Board further finds that new impervious surface was added to the Buffer in connection with this structure.

ZAAP #05-3465 - B. Larry and Catherine Jenkins

Page 196

IV. Conclusions of Law

New development activities and new impervious surface are prohibited in the Critical Area Buffer without first obtaining a variance. The Applicant claims that the new structure is a duck blind and that it is a prior existing and grandfathered use. While the Board does find that there was a duck blind on the property for many years, it also finds that it was removed in 2001 and replaced with the new structure in 2003. Section 52.4 of the Ordinance pertaining to abandonment of a nonconforming use states that "a nonconforming use, structure or any part thereof, that is discontinued or changed to a conforming use for a continuous period of one year or more shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations of the district in which it is located." Further, pursuant to Section 41.2 of the Ordinance, "any use or structure within the St. Mary's County Critical Area, existing or established before March 27, 1990, that has not been abandoned for more than one year, regardless of any intention to abandon or not, but which does not conform to the provisions of this chapter may continue. Such use or structure, however, may not be reconstructed, intensified or expanded except in accordance with the Ordinance." The Board finds that in this case the duck blind was removed in 2001 and abandoned for more than one year prior to the building of the new structure. Further, the Board finds that this new structure required a variance because it is in the Critical Area Buffer. Thus, the Board agrees with the decision of the Planning Director that a variance is necessary for this structure.

Further, with regard to Appellees' request for a status determination of the structure, Section 52.6 of the Ordinance pertaining to the identification and registration of nonconforming uses states that the Planning Director shall make status determinations when requested by the affected landowner. The Board agrees in this case with the findings of the Planning Director with regard to this issue and finds that a status determination cannot be made because the nonconforming use that existed prior to 2001 no longer exists.

Thus, after reviewing the evidence provided by staff and the testimony of the parties, the Board of Appeals finds that the Department's administrative decision was not clearly erroneous, illegal, unconstitutional, or arbitrary and capricious.

NOW, THEREFORE, BE IT ORDERED, that the St. Mary's County Board of Zoning Appeals hereby upholds the administrative decision of the Planning Director that no nonconforming use or structure exists on the property and that the Appellees must seek variance approval from the Board of Appeals for the new impervious surface in the Critical Area.

This date: March 8, 2007


George Allan Hayden
Chairperson

Those voting to uphold the Director's decision:

Mr. Hayden, Mr. Delahay, Mr. Callaway, Mr. Micdzinski and Ms. Scriber

Those dissenting:

None

Approved as to form and legal sufficiency:


Christy Holt
County Attorney

ST. MARY'S COUNTY BOARD OF APPEALS

In the Matter of the Appeal of the Planning Director's decision pursuant to Chapter 23 of the Comprehensive Zoning Ordinance denying the existence of a nonconforming use and structure and requiring after the fact variance approval for new impervious surface in the Critical Area Buffer

Case No. ZAAP #05-3465

B. Larry and Catherine Jenkins, Appellees

APR 23 2007

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal BaysDECISION AND ORDER**I. Introduction**

Appellees, B. Larry Jenkins and Catherine Jenkins, are the owners of property located at 23098 Grampton Road, Clements, Maryland which is located on St. Clements Bay. In September of 2005 the Appellees applied for a building permit to construct a pier and stone revetment. During the environmental review for this project, what staff perceived to be a newly constructed deck, steps and walkway were located on the property in the Critical Area Buffer. No permit had been sought for these structures. Appellees allege that this new structure is a duck blind built to replace a blind which had existed on the property for many years. On August 2nd, 2006 the St. Mary's County Department of Land Use and Growth Management (hereinafter the "Department") notified the Appellees in writing that:

"the structure on your property appears to be a deck, which is not permitted in the Critical Area Buffer if you have room on your property to place it outside the Buffer. This structure together with the steps and gravel walkway must be removed, or you must seek a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance before the St. Mary's County Board of Appeals. Section 71.8.3 prohibits new impervious surface in the Critical Area Buffer without first obtaining a variance."

Additionally, the Department advised that:

"According to the letter you received from the Maryland Department of Natural Resources dated March 30, 2005, DNR does not license 'shore blinds' (e.g. blinds above high mean tide) or blinds located within a marsh you may own. Your 'duck blind' is above mean high tide and in the Critical Area Buffer. This Department has jurisdiction over the Critical Area Buffer within St. Mary's County and activities in the Buffer are regulated by the Comprehensive Zoning Ordinance."

No application for variance was filed. On September 18, 2006, the Appellees requested that the Planning Director make a status determination under the County Comprehensive Zoning Ordinance regarding the duck blind on Mr. Jenkins' property which Appellees allege to be a prior existing grandfathered use. The Department replied to this request, and advised the Appellees on August 19, 2006 that "although Mr. Jenkins may have had a duck blind on his property in the past, that duck blind no longer exists, and Mr. Jenkins now has a new structure in the Critical Area Buffer, which has not been approved." The Department further advised Mr. Jenkins that he was in violation of Sections 22.1 and 71.8.3 of the Zoning Ordinance, and advised that he had until the close of business on Friday, September 22, 2006 to submit his building permit application requesting a variance for the new impervious surface in the Critical Area Buffer and to submit his Board of Appeals application for a variance for the same. He was further advised that in the alternative he could remove all of the unauthorized impervious surface from the Buffer.

The Appellees filed a notice of Appeal with the Department on or about September 25, 2006, and requested that the Board of Appeals void, reverse, and rescind the actions and determinations of the Zoning Administrator and Planning Director and either determine the site use and structure to be grandfathered, or return this matter to the Planning Director to proceed in accordance with Chapter 52 and other applicable provisions of the Ordinance. The St. Mary's County Zoning Board of Appeals conducted a public hearing on the appeal of the administrative decision in this matter on January 25, 2007.

Legal Standard for Review

Section XV(C)(2) of the Rules of Procedure for the St. Mary's County Board of Zoning Appeals provides, in pertinent part, "...the burden of proof shall be on the Appellant to show that the action taken by the administrative agency was clearly erroneous, illegal, unconstitutional, or arbitrary and capricious." In order to reverse the decision of the Director of Public Works, the Board must find that the Director acted arbitrarily and capriciously and that a reasoning mind could not have reached the same conclusion. The burden of proof is on the Appellants to prove that this standard has been satisfied by competent evidence and testimony and supported by appropriate legal authority.

Although the reviewing body in the instant case is another administrative agency, case law regarding judicial review of administrative agency decisions lends guidance on the application of the standard cited above. In reviewing an administrative agency decision, appellate courts are "limited to determining if there is substantial evidence in the record as a whole to support the agency's finding and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 67-68, 729 A.2d 376, 380 (1999) (quoting *United Parcel Serv., Inc. v. People's Counsel for Baltimore County*, 336 Md. 569, 577, 650 A.2d 226, 230 (1994)).

Courts are reluctant to deem an administrative agency decision arbitrary and capricious unless the decision is contrary to law, exceeds the agency's authority or is unsupported by sufficient evidence. *Md. Aviation Admin. v. Noland*, 386 Md. 556, 873 A.2d 1145, 1156 (2005). It is improper for a reviewing court to consider an agency decision arbitrary and capricious unless that decision is extreme and egregious. *MTA v. King*, 369 Md. 264, 291, 799 A.2d 1246, 1255-56 (2002).

III. Findings of Fact

The Board of Appeals makes the following findings of fact:

1. The subject property (Property) is lot 3 of the Recompense Farm Subdivision located on St. Clements Bay. The Appellees obtained a building permit in October 2001 to construct a single-family dwelling and attached garage. The approved site plan that accompanied the building permit did not show a duck blind on the Property. The Environmental Planner at the time noted on the stamped and approved site plan that no disturbance was proposed or permitted in the Critical Area Buffer. In addition, the clearing of 10 trees was permitted for construction only.
2. In September 2005 the Appellees applied for a building permit to construct a pier and stone revetment. It was discovered during the environmental review of the proposed project that what appeared to be a deck, steps, and walkway had been constructed without a permit in the 100-Foot Critical Area Buffer (Buffer).
3. An aerial photo of the Property taken in March 2003, which was attached as an exhibit to the Staff report in this case, shows a single-family dwelling, detached garage, circular driveway, extended driveway, and a parking area. This photo does not show any structures in the Buffer.

An aerial photo of the Property taken in October 2003, which was attached as an exhibit to the Staff report in this case, shows a structure, walkway, and clearing in the Buffer.

4. The Appellee claims an historic use of the Property for a duck blind and claims that the new structure is a replacement of a duck blind that existed in the past.
5. There was testimony to support the Appellees' assertion that a duck blind had existed in the buffer for many years prior to 2001, and the Board finds based on the testimony presented by the Appellees that in 2001 this blind was removed to make way for a revetment project.
6. The Board finds that the current structure is a new structure and was built in 2003, and that it is located in the Critical Area Buffer. The Board further finds that new impervious surface was added to the Buffer in connection with this structure.

IV. Conclusions of Law

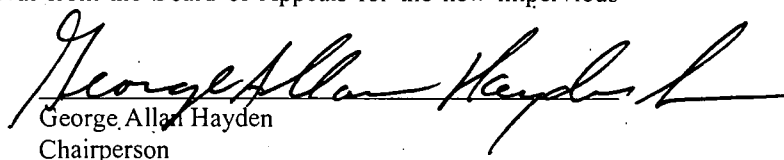
New development activities and new impervious surface are prohibited in the Critical Area Buffer without first obtaining a variance. The Applicant claims that the new structure is a duck blind and that it is a prior existing and grandfathered use. While the Board does find that there was a duck blind on the property for many years, it also finds that it was removed in 2001 and replaced with the new structure in 2003. Section 52.4 of the Ordinance pertaining to abandonment of a nonconforming use states that "a nonconforming use, structure or any part thereof, that is discontinued or changed to a conforming use for a continuous period of one year or more shall not be reestablished, and the use of the structure or site thereafter shall be in conformity with the regulations of the district in which it is located." Further, pursuant to Section 41.2 of the Ordinance, "any use or structure within the St. Mary's County Critical Area, existing or established before March 27, 1990, that has not been abandoned for more than one year, regardless of any intention to abandon or not, but which does not conform to the provisions of this chapter may continue. Such use or structure, however, may not be reconstructed, intensified or expanded except in accordance with the Ordinance." The Board finds that in this case the duck blind was removed in 2001 and abandoned for more than one year prior to the building of the new structure. Further, the Board finds that this new structure required a variance because it is in the Critical Area Buffer. Thus, the Board agrees with the decision of the Planning Director that a variance is necessary for this structure.

Further, with regard to Appellees' request for a status determination of the structure, Section 52.6 of the Ordinance pertaining to the identification and registration of nonconforming uses states that the Planning Director shall make status determinations when requested by the affected landowner. The Board agrees in this case with the findings of the Planning Director with regard to this issue and finds that a status determination cannot be made because the nonconforming use that existed prior to 2001 no longer exists.

Thus, after reviewing the evidence provided by staff and the testimony of the parties, the Board of Appeals finds that the Department's administrative decision was not clearly erroneous, illegal, unconstitutional, or arbitrary and capricious.

NOW, THEREFORE, BE IT ORDERED, that the St. Mary's County Board of Zoning Appeals hereby upholds the administrative decision of the Planning Director that no nonconforming use or structure exists on the property and that the Appellees must seek variance approval from the Board of Appeals for the new impervious surface in the Critical Area.

This date: March 8, 2007


George Allan Hayden
Chairperson

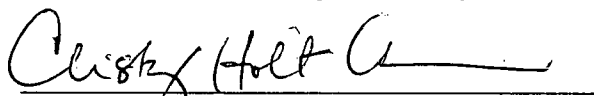
Those voting to uphold the Director's decision:

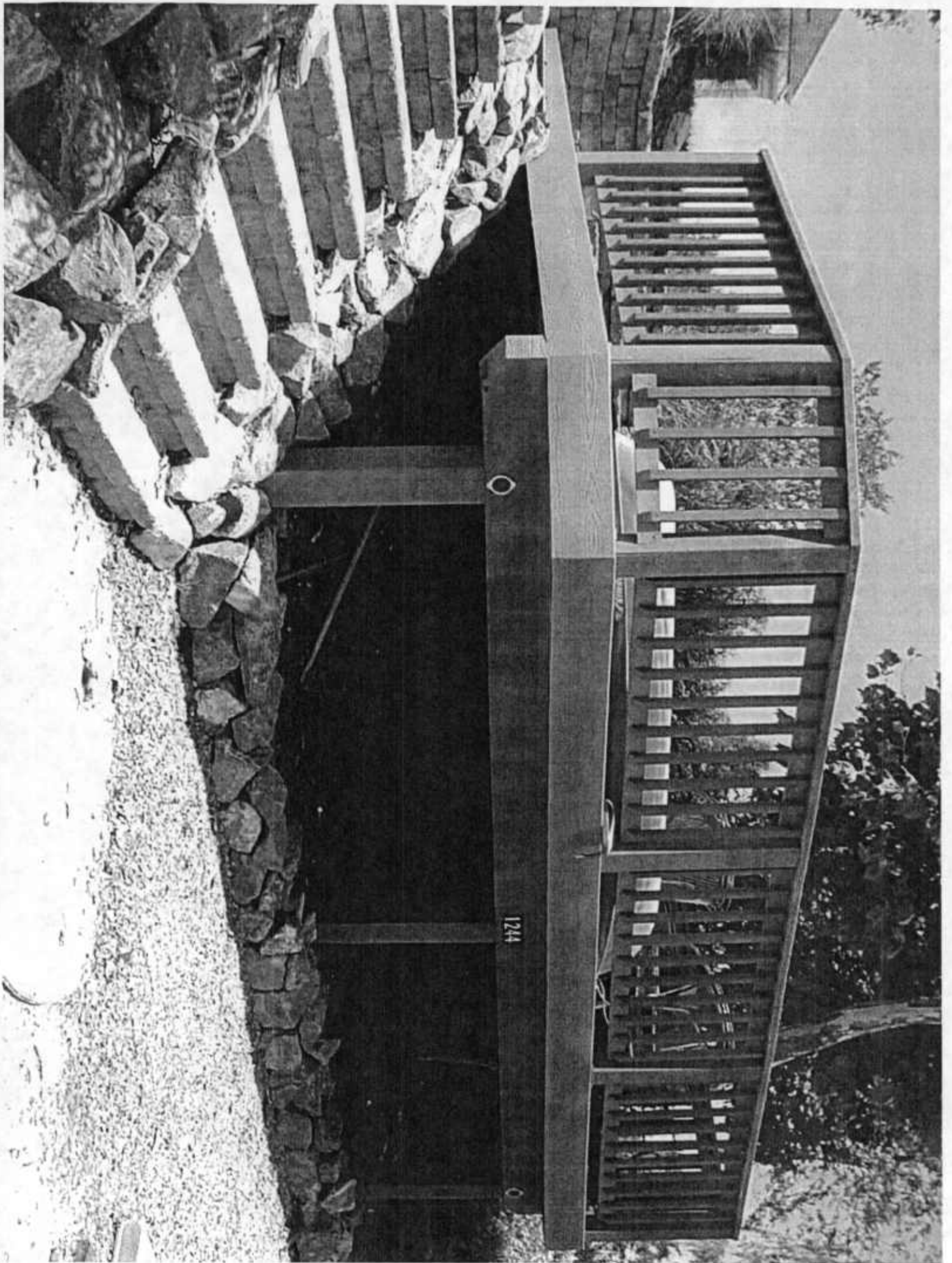
Mr. Hayden, Mr. Delahay, Mr. Callaway, Mr. Miedzinski and Ms. Scriber

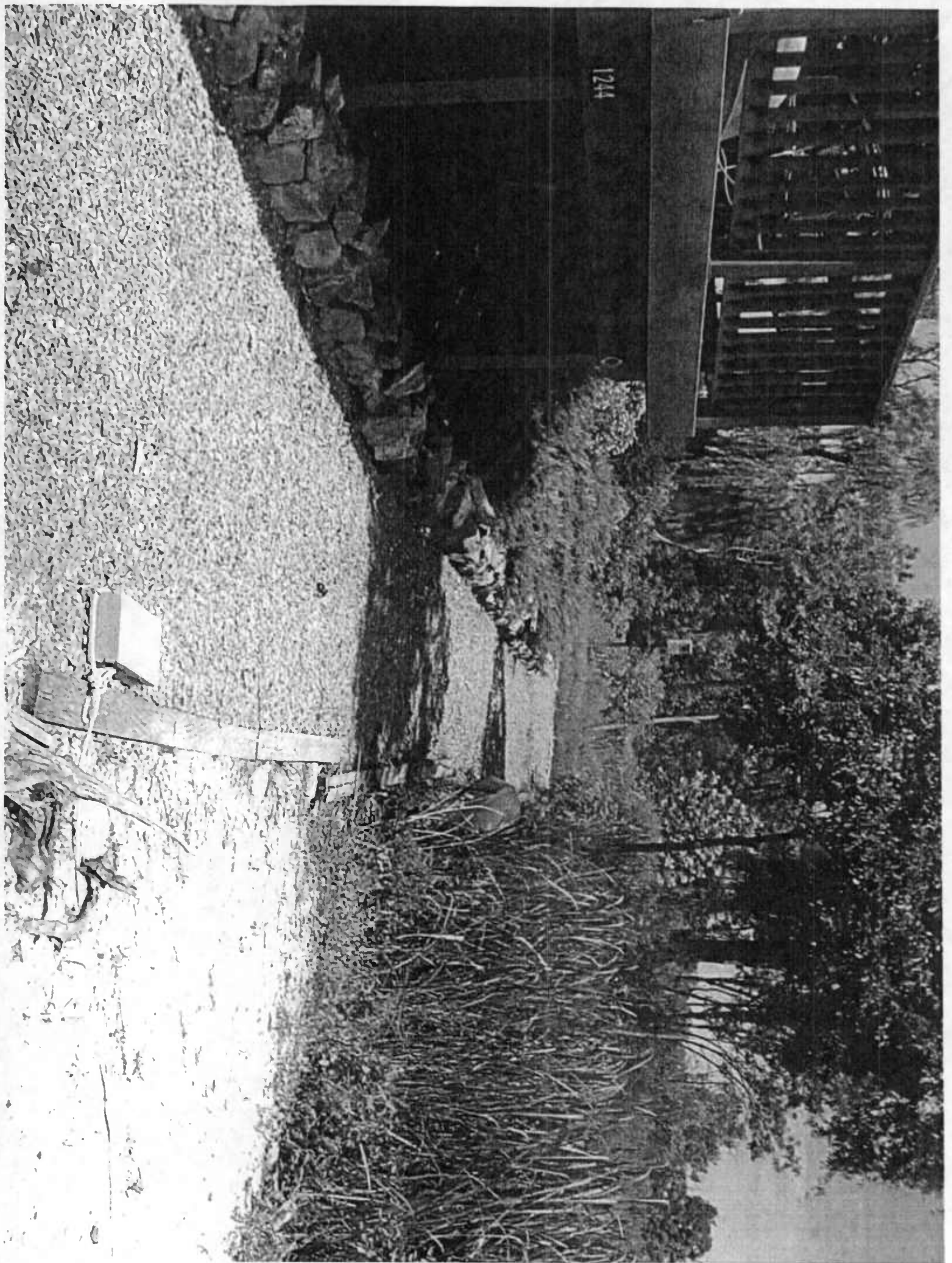
Those dissenting:

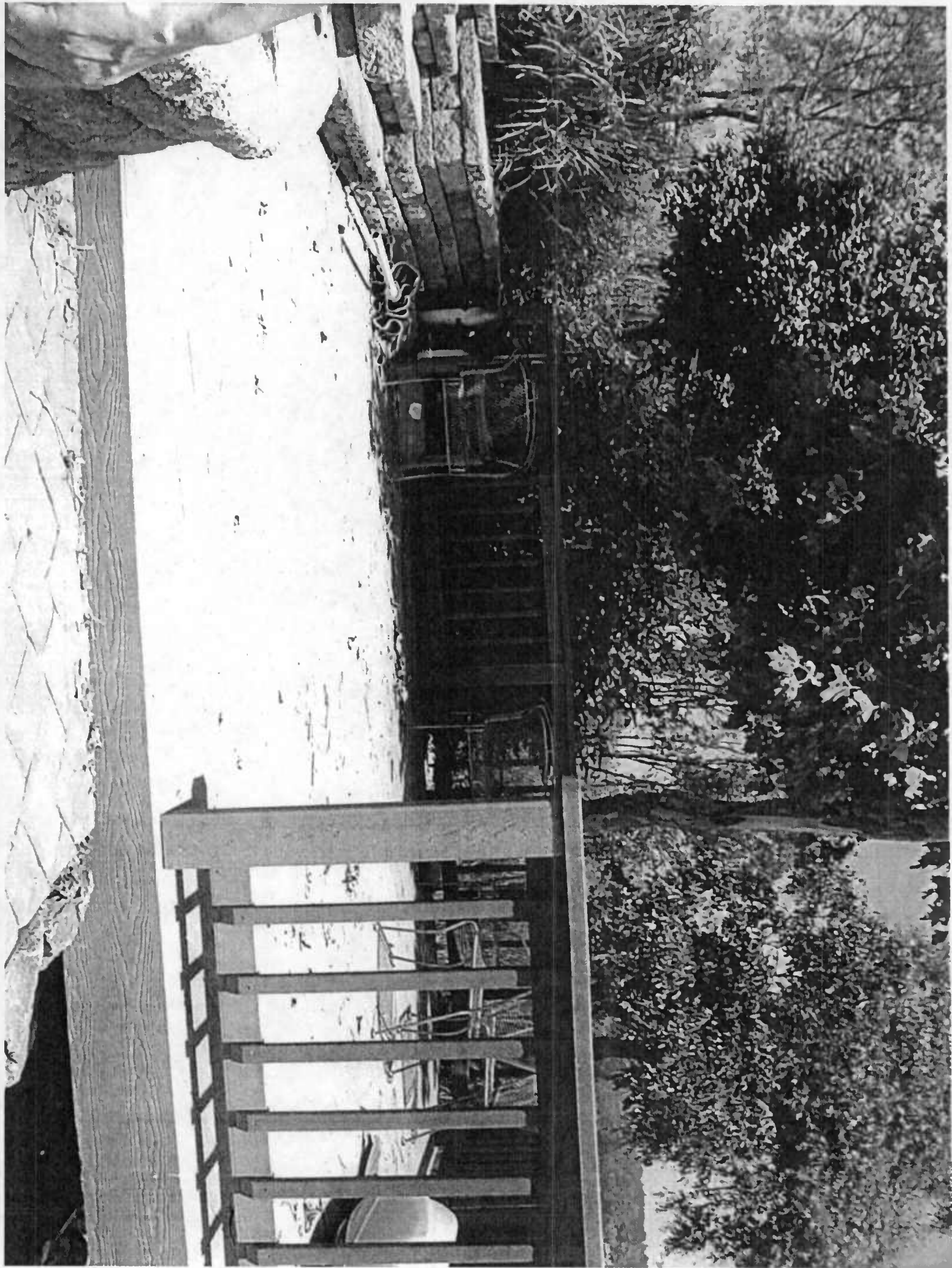
None

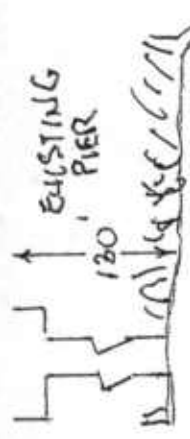
Approved as to form and legal sufficiency:


Christy Holt Chesser
County Attorney





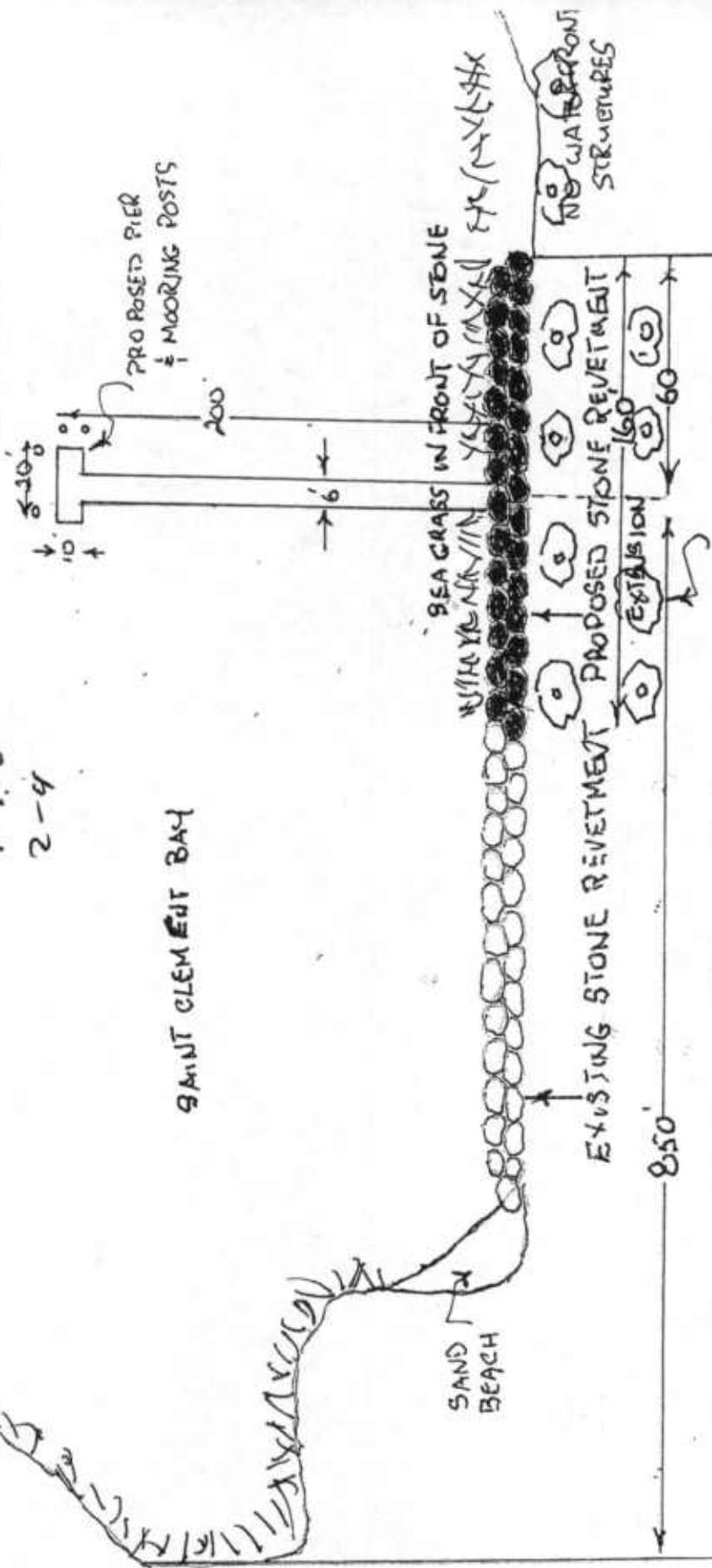




NORTH

06-GL-0440
200566088
8/2/05
2-4

PLAN VIEW
LARRY TENKENS
SAINT CLEMENT BAY
CLEMENT, MD.
8-3-06



SAINT CLEMENT BAY

Note:

The Stone Revetment
shall be replaced
landward of all
marsh vegetation

ENKINS, JR

088

L. TENKENS
(APPLICANT)

23098

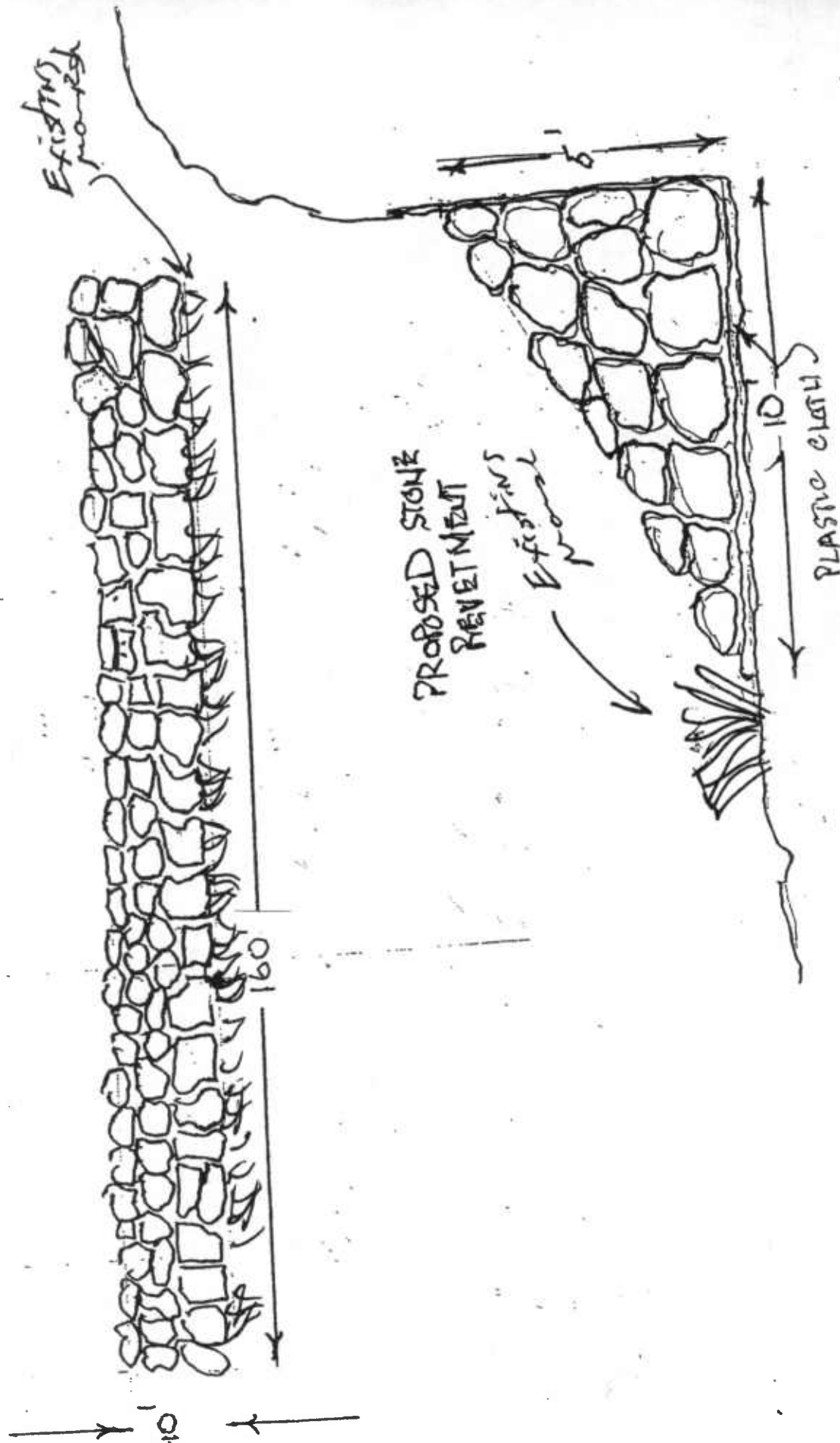
D. RUSSELL

23102

GRAMPTON RD

OG-GL-0440
200566088
5/12/05
3-4

STONE REVENEMENT
LAYOUT & CROSS SECTION
LARRY JENKENS
ST. CLEMENT BAY
CLEMENT, MD.
9-3-05



From: Yvonne Chaillet
To: Al.lacer@alfredalacer.com
Date: 9/20/2006 3:30 PM
Subject: Jenkins property
CC: Canavan, Denis; Knight, Adam; Knight, Harry; Merriman, Staci; Russell, Mary; Shire, Phil; Veith, Sue

Mr. Lacer:

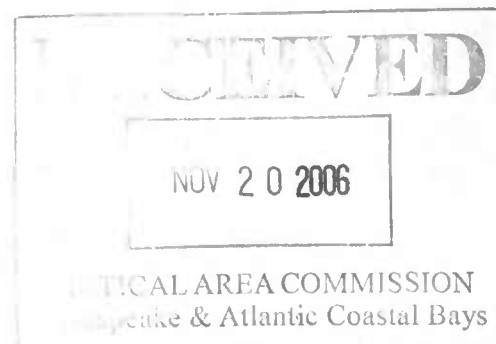
This is to confirm that I talked to Denis Canavan following my conversation with you this afternoon. My e-mail to you, dated September 19, 2006, will suffice as the Planning Director's decision regarding the new structure in the Critical Area Buffer on the Jenkins property.

As we discussed, the fines will be stayed as long as you file your Notice of Appeal by close of business on Monday, September 25, 2006. As soon as we process Mr. Jenkins' Board of Appeals application, I will let you know what date you can expect the Appeal to be heard.

Please let me know if you have any questions.

Yvonne Chaillet

Yvonne Chaillet
Zoning Administrator
Dept. of Land Use & Growth Management
301-475-4200, ext. 1523
FAX: 301-475-4635

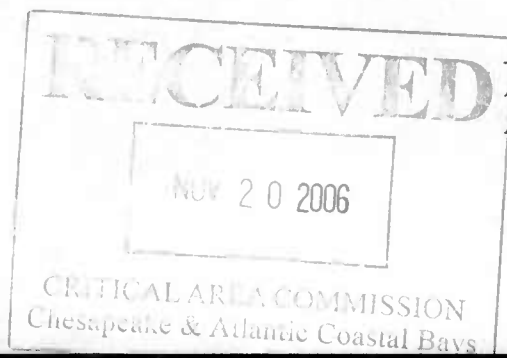


Application for Appeal
(Notice of Appeal)

Larry Jenkins and Catherine Jenkins, property owners, through their attorney,
Alfred A. Lacer, P.A., in accordance with provisions of Chapter 23.1, hereby appeal from
the decision and action of the Zoning Administrator in regard to the administration and
enforcement of the Comprehensive Zoning Ordinance, as follows:

1. There is a site use, pre-existing and grandfathered for maintenance, of a structure and duck blind along the shoreline of appellants property, which is not recognized by the Zoning Administrator.
2. The Zoning Administrator has erroneously required the filing of a variance application as a requirement for maintaining the site use and structure.
3. The Planning Director has declined to proceed generally in accordance with Chapter 52 of the St. Mary's County Comprehensive Zoning Ordinance, and inter alia, has failed to make a written determination as required in Section 52.6(2) of Chapter 52.
4. The Zoning Administrator has erroneously determined at this time, that the property owner is in violation of Section 22.1.3 and Section 71.8.3 of the Ordinance.
5. The Planning Director has erroneously determined that a request for status determination in accordance with Chapter 52 must be processed as an application for a variance with the Board of Appeals.

Wherefore, it is requested that the Board of Appeals void, reverse, and rescind the actions and determinations of the Zoning Administrator and Planning Director and either determine the site use and structure to be grandfathered, or return this matter to the Planning Director, to proceed in accordance with Chapter 52 and other applicable provisions, of the Ordinance.



Alfred A. Lacer
Attorney for Property Owner



From: Yvonne Chaillet
To: Al.lacer@alfredalacer.com
Date: 9/19/2006 4:01 PM
Subject: Jenkins Property
CC: Canavan, Denis; Knight, Adam; Knight, Harry; Merriman, Staci; Russell, Mary; Shire, Phil; Veith, Sue

Mr. Lacer:

Denis Canavan and I have discussed the correspondence we received from you on September 18, 2006 regarding the historic use of duck blinds on property owned by B.Larry and Catherine Jenkins. Although Mr. Jenkins may have had a duck blind on his property in the past, that duck blind no longer exists, and Mr. Jenkins now has a new structure in the Critical Area Buffer, which has not been approved.

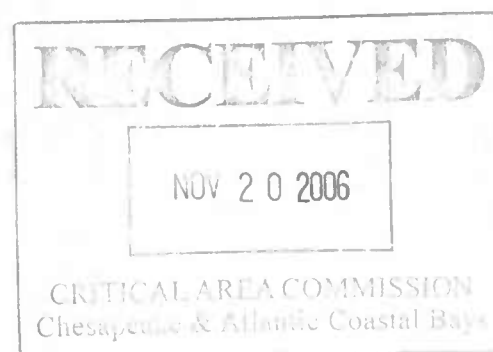
Pursuant to Section 22.1.3 of the Comprehensive Zoning Ordinance (Ordinance), "No building, structure, or land or any part thereof shall be used, created, enlarged or subdivided until an environmental permit is issued if required pursuant to Chapter 71, Resource Protection Standards of this Ordinance." Pursuant to Section 71.8.3 of the Ordinance, no new development activities are permitted in the Critical Area Buffer without first obtaining a variance.

Mr. Jenkins is in violation of Section 22.1.3 and Section 71.8.3 of the Ordinance. Mr. Jenkins has until the close of business on Friday, September 22, 2006 to submit his building permit application for the new impervious surface in the Critical Area Buffer and to submit his Board of Appeals application requesting a variance for the same. In the alternative, Mr. Jenkins can remove all of the unauthorized impervious surface. Otherwise, fines will be imposed, beginning Monday, September 25, 2006 and each day thereafter until Mr. Jenkins has submitted the required information. As I mentioned in my e-mail to you last week, a complete Board of Appeals package must be submitted. Fines are \$500.00 per day per violation.

The Ordinance does not authorize Denis Canavan, Planning Director, to approve a variance for new impervious surface within 50 feet of mean high water, tidal wetlands, and tributary streams. Mr. Jenkins must seek approval from the Board of Appeals.

Yvonne Chaillet

Yvonne Chaillet
Zoning Administrator
Dept. of Land Use & Growth Management
301-475-4200, ext. 1523
FAX: 301-475-4635



Mason, Marianne D

From: Gill, Joe
Sent: Tuesday, August 15, 2006 11:12 AM
To: Mason, Marianne D
Subject: RE: Jenkins Property - duck blind

Great e-mail. Thanks, Marianne.

-----Original Message-----

From: Mason, Marianne D
Sent: Tuesday, August 15, 2006 11:07 AM
To: Lester, Jennifer; Franks, C. Ronald; Peditto, Paul; Serey, Ren; Gill, Joe
Cc: 'Denis.Canavan@co.st-marys.md.us'; 'Yvonne.Chaillet@co.st-marys.md.us'
Subject: RE: Jenkins Property - duck blind

Jennifer,

I spoke to Mr. Lacer last week, and told him that his client had 3 options: (1) remove the deck; (2) apply for a variance (and good luck to him, because the BOA in St. Mary's County is strict in interpreting the law); (3) try to prove to the county that the deck is a pre-existing (pre-Critical Area law) grandfathered use. Lacer says that Jenkins has proof that the deck has existed in that location since before the Critical Area law. If that is true (and, based on the look of the thing from the photos, I find that hard to believe) then he'd not need a variance to retain it. I emphasized to Lacer that the deck cannot have been enlarged, moved, etc. since before the CA program, or else it loses its "grandfathered" status. Lacer claimed that the deck was registered as a duck blind. I think that this needs to be checked out, because I find it very hard to believe that something as land-attached (with umbrellas and chairs, no less) qualifies for registration as a duck blind. If it is indeed registered/licensed, we need to deal with the duck blind folks at DNR on that issue.

Mr. Jenkins has contacted Secretary Franks about this matter. I have briefed the Secretary and he has seen the photos of the alleged duck blind.

Please keep me advised of any further developments. Thanks!

Marianne

Marianne D. Mason
Assistant Attorney General
Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401
(410) 260-8351 (phone)
(410) 260-8364 (fax)

Mason, Marianne D

From: Peditto, Paul
Sent: Tuesday, August 15, 2006 10:11 PM
To: Mason, Marianne D
Cc: Franks, C. Ronald; Lester, Jennifer; Gill, Joe
Subject: RE: DNR Letter to Duck Blind Licensee

Will do. Thanks. Paul

From: Mason, Marianne D
Sent: Tue 8/15/2006 2:28 PM
To: Peditto, Paul
Cc: Franks, C. Ronald; Lester, Jennifer; Gill, Joe
Subject: DNR Letter to Duck Blind Licensee

Paul -

In reviewing the file on the Larry Jenkins matter (free-standing deck in Critical Area buffer masquerading as a 'duck blind'), I saw the March 30, 2005 letter sent from DNR/WHs to "Offshore Blind and Shoreline License Holder(s)." Paragraph 4 of the letter notes that "we [DNR] do not license 'shore blinds' (e.g., blinds above high mean tide) or blinds located within marsh you may own, so they are not shown on the map. ... *You may place blinds on property you own wherever you want.*" (emphasis added). Mr. Jenkins claims that this last sentence constitutes authorization from DNR for him to retain the deck, regardless of his non-compliance with the St. Mary's County [and State] Critical Area law.

Would you kindly review the WHS letter to blind license holders, and either (1) remove the sentence; or (2) revise the sentence to include language stating that, in placing structures on waterfront property, the owner is advised to contact the local government to ensure that the structure complies with local zoning, and the Critical Area law.

If you have questions about this request, please contact me.

Thanks!

Marianne

Marianne D. Mason
Assistant Attorney General
Department of Natural Resources
580 Taylor Avenue
Annapolis, MD 21401
(410) 260-8351 (phone)
(410) 260-8364 (fax)

8/16/2006

Mason, Marianne D

From: Lester, Jennifer
Sent: Tuesday, August 15, 2006 1:55 PM
To: Mason, Marianne D; Serey, Ren
Subject: FW: FW: Jenkins Property - duck blind

Marianne and Ren,

Below is more information on the duck blind. Yvonne is faxing me the DNR letter re: the duck blind licesence.

Jennifer

-----Original Message-----

From: Yvonne Chaillet [mailto:Yvonne.Chaillet@co.saint-marys.md.us]
Sent: Tuesday, August 15, 2006 1:26 PM
To: Lester, Jennifer
Cc: Denis Canavan
Subject: Re: FW: Jenkins Property - duck blind

Jennifer,

I forwarded the e-mail to Denis Canavan.

I have a copy of the letter Mr. Jenkins received from DNR, which is addressed to: "Offshore Blind and Shoreline License Holder." The letter, dated March 30, 2005, is signed by Mark L. Hoffman, Associate Director, Administration, Wildlife and Heritage Service. I can fax it to you. The letter states that DNR's records indicate that the landowner held a Offshore Blind and Shoreline License for the 2004-2005 season and that it was time to renew. The letter goes on to say that blinds can now be licensed for three years.

Paragraph 4 of the letter states, "Please note that we do not license "shore blinds" (e.g., blinds above mean high tide) or blinds located within marsh you may own, so they are not shown on the map (if your license had such a blind last year, it has been removed). You may place blinds on property you own wherever you want." It is this last sentence that Mr. Jenkins contends gives him permission to place the alleged duck blind in the Critical Area Buffer. I argue that DNR does not license "shore blinds" and, therefore, Mr. Jenkins is subject to the Critical Area regulations of our Zoning Ordinance.

Mr. Jenkins did say that there has been, historically, a duck blind on the property. However, a "Real Property Search" of the MD Dept. of Assessments and Taxation indicates that Larry Jenkins and his wife purchased the property in November 1999. The property is Lot 3 in Section 2 of the Recompense Farm Subdivision.

The subdivision, consisting of three lots, was recorded on 6-8-1990. A Boundary Line Adjustment Plat on Lots 2 & 3, adding two acres to Lot 3, was recorded on 4-30-1998.

An aerial photo of the property taken in March 2003 shows that there was no structure where there is now a deck. The aerial photo from October 2003 shows a structure and the gravel walkway Mr. Jenkins built.

I will be out of the office for two weeks beginning tomorrow. If I come up with anything else today, I'll let you know.

Yvonne

8/15/2006

Mason, Marianne D

From: Lester, Jennifer
Sent: Tuesday, August 15, 2006 10:07 AM
To: Mason, Marianne D
Subject: FW: Larry Jenkins Property

Jennifer Lester
Natural Resources Planner
State of Maryland Critical Area Commission
Chesapeake & Atlantic Coastal Bays
410-260-3481 fax 410-974-5338

-----Original Message-----

From: Yvonne Chaillet [mailto:Yvonne.Chaillet@co.saint-marys.md.us]
Sent: Tuesday, August 15, 2006 9:04 AM
To: al.lacer@alfredalacer.com
Cc: Denis Canavan; Staci Merriman; Sue Veith
Subject: Larry Jenkins Property

Mr. Lacer:

I left you a voice mail message this morning regarding the "duck blind" on the Jenkins property and have since talked to Denis Canavan, Planning Director.

The duck blind or deck on the Jenkins property is located in the 100-foot Critical Area Buffer. St. Mary's County has jurisdiction over structures in the Critical Area Buffer and has the authority to regulate structures and all other impervious surface in the Buffer in accord with the Comprehensive Zoning Ordinance (Ordinance).

Section 71.8.3 of the Ordinance prohibits new development activities in the Critical Area Buffer without a variance. Mr. Jenkins must seek a variance from the Board of Appeals for the unauthorized impervious surface in the Critical Area Buffer. Land Use and Growth Management cannot resolve this issue for Mr. Jenkins, so I see no reason to meet.

November 9, 2006 is the first available hearing date for the Board of Appeals. The agendas for both September and October are booked. Please have Mr. Jenkins submit his variance application and fee as soon as possible. He is in violation of Section 71.8.3 of the Ordinance and, consequently, is subject to fines.

The Board of Appeals application can be found on the county's website, or we can mail one to you, if you call and request it.

I can be reached at 301-475-4200, ext. 1523, if you have any questions. I will, however, be out of the office from August 16 through August 30, 2006.

Yvonne Chaillet

Yvonne Chaillet
Zoning Administrator
Dept. of Land Use & Growth Management
301-475-4200, ext. 1523
FAX: 301-475-4635

8/15/2006

Larry Jenkins
23098 Grampton Road
Clements, MD 20624

Memo: Paul Pedito
Director Of Wildlife
Department Of Natural Resources

REC'D AUG 11 2006

In 1965, I used the duck blind in question, on the current location, which was owned by my father-in-law, Mr. R. A. Hungerford. I used it once or twice a year until 1991. Mr. Dan Fitzgerald purchased the property from our family in 1991 and we purchased the property from him in 1999. He permitted friends to enlarge the blind to many times its former size and it remained that dimension until 2002 when we reduced the size about 40% and reinforced the strength of the floor and supports that had become wobbly and slanted. Since I had 2 strokes in 2001, it is the only blind we have, which I can enter and exit without help.

The Department of Land use and Growth Management told us this year that the duck blind didn't exist prior to this but it is prominently displayed in a picture attached to a study done for that very department in 2001 (exhibit A). We gave the Department a copy of the picture again, two weeks before they notified us again that the duck blind didn't exist and that it isn't a duck blind. The ducks haven't noticed, as this blind has been very productive at least for some time.

We can produce witnesses that have hunted there in the past. The duck blind has held them during the hunt. Between 1965 and 1991, I personally have hunted there regularly and since repurchasing the land in 1999, I have hunted successfully in each year through 2005.

All of a sudden, the Department, after being proved wrong on several other accusations against us, charges my duck blind is not a duck blind, even after it has been in use for more than 40 Years minimum and properly licensed with the Department of Natural Resources by both us and the former owners. And the only comment I can elicit from the Department is, it doesn't look like a duck blind. I don't believe that the head of the Department, Mr. Canavan, has even personally seen the blind, except in pictures taken after Hurricane Isabelle, which destroyed two very large trees on either side of the blind that were toppled and all close vegetation was destroyed. And we have pictures showing this in actuality and living color. We needed carpenters to come in again to do repairs to the stairs, which are not set in concrete.

The Department doesn't seem to know anything about duck blinds and has no understanding that a duck blind can be attractive, and unobtrusive, before camouflage ; whether paint , trees, bushes, tarps or sacks are applied. Hundreds of ducks have been harvested from this blind over the years; even after the natural vegetation was destroyed by Hurricane Isabelle.

A Natural Resource policeman actually came to the blind, in the mid 1990's and ruled it an offshore blind because the front porch (shooting station) had its piles in the high tide. The hunters inside were made to leave and get the blind licensed before being allowed to hunt in it again. A picture of one of the old piles is attached (exhibit B).

If this blind is not ruled under the purview of DNR, I plan to attach a boat hide to it ending right at the old pile still there, making it an offshore blind.

(Exhibit C) – Study by Chris Athanos, Ph.D & Associates, Inc., Bethesda, Maryland prepared for NG & O Engineering, Inc., Leonardtown, Maryland in May 2001 and delivered to the very same Department to get them to approve the rip rap plan. The entire plan is bulky but Photograph #7 of the study clearly shows the old blind (before it was reduced in size, the following year. You can see the front porch to the left, the main room in the middle (warmth and cooking breakfast), and the storage room on the right rear. There was sand under the first two rooms shown and an incline up to the hill under the storage shed portion. The reconfigured blind has only a porch portion now and was set back to the incline right where the old storage part was setting.

This vendetta against us, and our property has been very tough on us.

The first thing they demanded we must adopt a planting tree program. We have already planted close to two hundred trees and shrubs on twenty acres. They demanded we order an as built site plan, cost \$2,000.00 +, same as a \$2,000 fine for us. They said we had many unapproved things; none of this was true. We have a small parking lot, up to four cars (blacktop), pavers in front of our house with a two car lot and walkways; all illegal according to this department. We told them it had all been approved by their department. They said if that were true, it would be in our file and it wasn't, they said. After 5 months, we obtained a copy of their approval of 8/30/02. Mrs. Mary Russell of their department even congratulated us on 8/30/02 and said we didn't need a planting plan since it was already done and more than they would have asked. She did tell us she had been out to our property five or six times to placate (she said our "enemies"). What she didn't say was whether they were in her department or not.

Attachments – Picture of Blind with some explanation on back.

1st. Letter from Stacie Merriman

2nd Letter from Yvonne Chaillet

3rd. Two sets of pictures of blind, its area, and Hurricane Isabelle damage.

4th. DNR license announcement – see item 4

Note: Letter from Yvonne Chaillet threatens fine and penalties starting August 12, 2006; Consequently, we need DNR to give us a very prompt decision on who has responsibility for duck blinds.

Cc: Ron Franks, Secretary: Department of Natural Resources



ST. MARY'S COUNTY GOVERNMENT

DEPARTMENT OF LAND USE & GROWTH MANAGEMENT

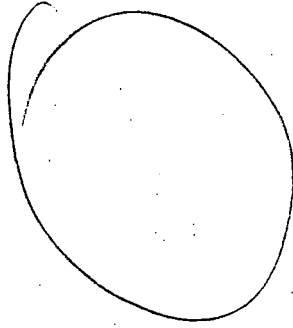
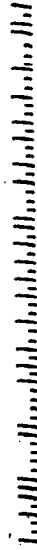
23150 LEONARD HALL DRIVE

P.O. BOX 653

LEONARDTOWN, MARYLAND 20650

Larry B. Jenkins
23098 Grampton Road
Clements, MD 20624

20624+2509 H062



ograph #7. View looking south from Point D.



otograph #8. View looking north from Point D.



**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

Denis D. Canavan, Director



Thomas F. McKay, President
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley, Commissioner

August 2, 2006

Larry B. Jenkins
23098 Grampton Road
Clements, Maryland 20624

Dear Mr. Jenkins:

I have reviewed the photos you submitted last week in support of your "duck blind" with Denis Canavan, Director of Land Use and Growth Management. I also discussed your request to allow the "duck blind" and other impervious surface in the Critical Area Buffer with staff from the Maryland Critical Area Commission during a meeting with them on July 27, 2006.

The consensus is that the structure on your property appears to be a deck, which is not permitted in the Critical Area Buffer if you have room on your property to place it outside the Buffer. This structure together with the steps and gravel walkway must be removed, or you must seek a variance from Section 71.8.3 of the Comprehensive Zoning Ordinance before the St. Mary's County Board of Appeals. Section 71.8.3 prohibits new impervious surface in the Critical Area Buffer without first obtaining a variance.

According to the letter you received from the Maryland Department of Natural Resources (DNR), dated March 30, 2005, DNR does not license "shore blinds" (e.g., blinds above high mean tide) or blinds located within a marsh you may own. Your "duck blind" is above mean high tide and in the Critical Area Buffer. This Department has jurisdiction over the Critical Area Buffer within St. Mary's County and activities in the Buffer are regulated by the Comprehensive Zoning Ordinance.

I am enclosing a Board of Appeals application, Board of Appeals Schedule, and Customer Assistance Guides explaining variances and the public hearing process. Once you have submitted your application, the \$550.00 application fee, and the letter addressing the standards for granting a variance in the Critical Area, we can process your application and schedule your hearing. The Critical Area standards can be found on page two of the Guide pertaining to Standard Variances.

Please be advised that we must receive your application within 10 days following the date of this letter or you may be subject to citations and fines.

August 2, 2006
Page two

This letter also confirms staff's site visit to your property on July 17, 2006 and acknowledgement of the added impervious surface for the driveway and additional clearing beyond what had been approved for the house. The additional impervious surface is permitted because you are within the 15 percent limit on your property. You have done extensive planting on your property, which staff considers mitigation for any unauthorized clearing. Staff also recognizes that you had extensive damage to trees and other vegetation on your property due to Hurricane Isabel and that it was necessary to clear dead and dying trees.

Please let me know if you have any questions. I can be reached at 301-475-4200, ext. 1523.

Sincerely,



Yvonne Chaillet
Zoning Administrator

Enclosures: Board of Appeals Application and Schedule
Customer Assistance Guides 41 and 43

CC: Denis Canavan, Director
Staci Merriman, Environmental Planner

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

Denis D. Cunnovan, Director



Thomas F. McKay, President
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe, Commissioner
Thomas A. Mauntingly, Sr., Commissioner
Daniel H. Raley, Commissioner

February 28, 2006

Larry Jenkins
23098 Grampton Road
Clements, MD 20624

RE: Permit #05-3465

Dear Mr. Jenkins,

Your permit application referenced above, that proposes development in the Critical Area, has been forwarded to my office for environmental review. Upon review, unauthorized impervious surfaces (additional driveway/parking areas and a deck by the water) and unauthorized clearing were discovered per our 1998 and 2003 aerial photos.

Before a permit can be issued for the pier and revetment, an as-built site plan needs to be submitted to this office so the additional impervious surfaces can be reviewed. The additional driveway/parking area could possibly be approved; however, the deck is within the Critical Area Buffer. According to the St. Mary's County Comprehensive Zoning Ordinance, no new impervious surface is allowed in the Buffer; therefore the deck must be removed.

Ultimately, an as-built site plan will need to be submitted to this office showing the location of all the impervious surfaces and vegetation on the property, and a planting agreement will need to be signed for the unapproved disturbances and clearing.

To avoid additional penalties, please contact me as soon as you receive this letter to let me know what your action will be.

Sincerely,



Staci Merriman
Environmental Planner II, Critical Area Reviewer
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext. 1525
Staci.Merriman@co.saint-marys.md.us

CC: James T. Alvey
CC: File

P.O. BOX 653 • GOVERNMENTAL CENTER • 23150 LEONARD HALL DRIVE, LEONARDTOWN, MD 20650
PHONE 301.475.4200 X1500 • FAX 301.475.4635 • www.co.saint-marys.md.us



Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

C. Ronald Franks, Secretary

March 30, 2005

Dear Offshore Blind and Shoreline License Holder:

Our records indicate that as a landowner, or person with the permission of a landowner(s), you held a Offshore Blind and Shoreline License for the 2004-2005 season. This license expires on June 30, 2005. If you desire, it is time to submit a renewal application for the 2005-2006 season. The Department must receive your renewal application at our Annapolis office by June 1, 2005, in order for you to retain your preferential treatment under Maryland State law. Applications received after that date will be returned; you will then be eligible to participate in the open licensing process beginning on the first Tuesday in August. Instructions are presented in question and answer form.

NEW THIS YEAR: You may now license your offshore blinds and shoreline for three years (for \$60) or for one year (for \$20).

How do I renew my shoreline and blind site license?

1. Included with this mailing is a form, "2004-2005 Offshore Blind and Shoreline Licensing Renewal Form". Review the contents of this form, checking your name, mailing address, and those of the landowner(s) who own the shoreline you are licensing. Make corrections, if needed, in the space indicated.
2. Complete this form by signing as the "applicant" and get the signature of all necessary landowners. Only one signature is needed per property listed. You may attach a separate letter or lease from the landowner(s) in lieu of having them sign the form; if you do this, write "see attached" in the landowner signature line.
3. Check the enclosed map to make sure it shows the area you desire to license and that the location of any offshore blinds being licensed are correctly indicated. If you need to revise the map, use a red pen or marker. Indicate the location of any offshore blinds (if they are not already shown) with a red "X" (see #4 below also).
- ✓ 4. Please note that we do not license "shore blinds" (e.g., blinds above high mean tide) or blinds located within marsh you may own, so they are not shown on the map (if your license had such a blind last year, it has been removed). You may place blinds on property you own wherever you want.
5. If you wish to make changes to the property boundary mapped, for purposes of adding or removing property, please make the changes in red ink. Note, if you add property, you must provide the owner information and signature for that property. If you remove property on the map, indicate which of the properties listed on the application are being removed. If you remove property and it divides the shoreline into two or more separate segments, you must submit the application fee for each separate segment. Please submit them together.
6. Return the form and map with a check for \$60 (for 3 years) or \$20 (for 1 year) made payable to DNR, to Shoreline License Renewal, Wildlife and Heritage Service, 580 Taylor Ave., E-1, Annapolis, MD 21401, by June 1, 2005. Please write the license number on the check. We will process checks immediately upon receipt. Your canceled check will be proof of your application. Property owned and licensed by governmental entities are exempt from the fee requirement.

Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

410.260.8DNR or toll free in Maryland 877.620.8DNR • www.dnr.maryland.gov • TTY users call via Maryland Relay

Page 2

7. If you hold multiple licenses, you will receive a separate mailing for each one. However, you may return them together, with a single check for the appropriate amount.

Has anything changed related to shoreline and blind site licensing?

Yes, you now have the option of licensing your shoreline for one or three years.

Where do you get the landowner information at the bottom of the renewal form?

DNR has developed a system for tracking licensed shoreline using the property tax records maintained by the Department of Assessment and Taxation (DAT). Your renewal form lists all of the parcels licensed last year, and the landowners associated with these parcels from the tax records. The landowner information obtained from the DAT can be up to a year old, therefore, if the property has changed hands, indicate the new landowner information to the right or below the listed information and have the new landowner sign the permission line. The tax map, grid, parcel and property account id are shown for each property. You can verify these numbers (in part) from your property tax bill or through the website of the DAT (www.dat.state.md.us; click on "real property data search"). For some parcels (particularly those owned by governmental entities) the tax map information is not used and the "Property Account ID Number" will begin with a "G" (government) or "X" (other), and no landowner name or property address is indicated. The applicant should sign on the landowner line in these situations.

What are the general rules for the licensing of shoreline and the establishment of offshore stationary blinds or blind site?

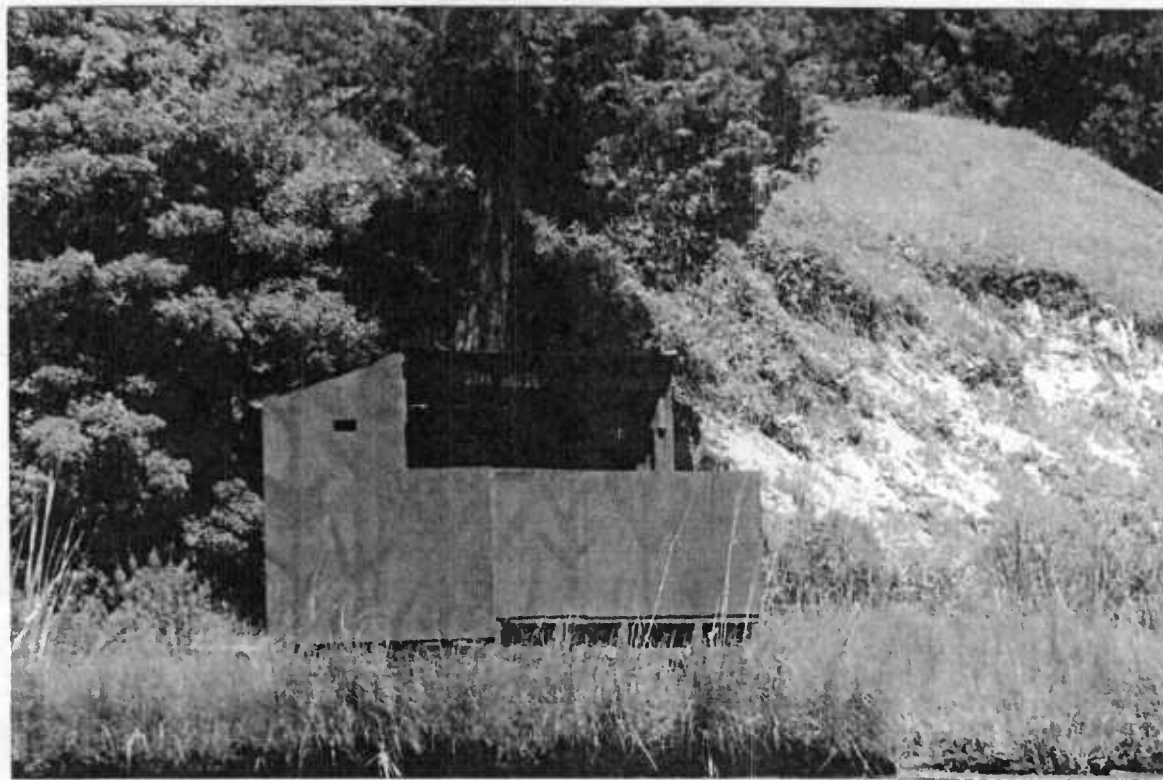
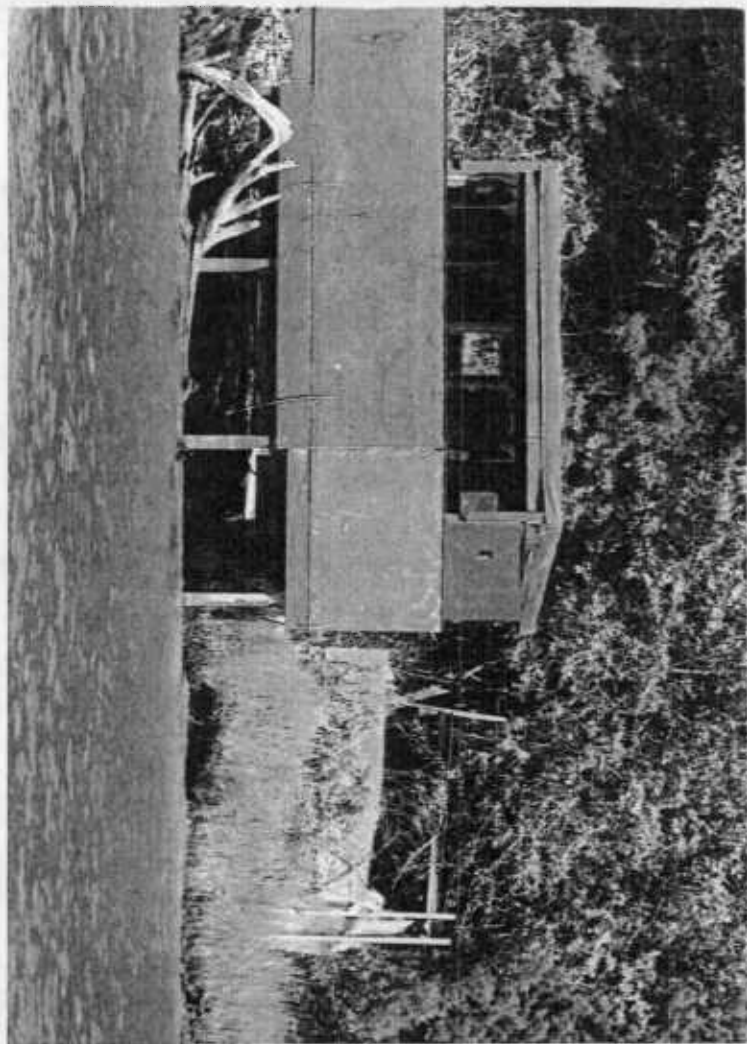
Attached to this letter is a summary of the general laws related to offshore blind and shoreline licensing for riparian landowners (or persons with the permission of riparian landowners).

If you would like to discuss any issues pertaining to the renewal, the licensing process or the associated rules, we are always here to help you. Please contact Lena Pajewska at 410-260-8545 or toll-free in Maryland, at 1-877-620-8367, extension 8545, if you have any questions.

Sincerely,



Mark L. Hoffman
Associate Director, Administration
Wildlife and Heritage Service
Phone: 410-260-8449
Mobile: 443-223-4587



neighbors



*Long Creek
Sept 10th 1902*

